

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 9-10 and 19-29 are pending in the application. Claims 11-18 were withdrawn from consideration. Claims 22-29 are newly presented. Claims 11-18 are canceled without prejudice or disclaimer. Claims 1-8 were previously cancelled without prejudice or disclaimer.

The claims are amended in order to more clearly define the invention, support for which is found in the figures and related parts of the specification. Claims 19-20 originally depended from claim 11 and are rewritten in independent form. Therefore, claims 19-20 are not narrowed. Support for new claims 22 and 26 is found in claim 12 as originally filed. Support for new claims 23 and 27 is found in claim 13 as originally filed. Support for new claims 24 and 28 is found in claim 14 as originally filed. Support for new claims 25 and 29 is found in claim 17 as originally filed.

The related application section of the specification is amended to update the priority claim regarding the status of U.S. Ser. No. 10/155,841, filed May 24, 2002, now U.S. Pat. No. 6,858,455. The title is amended to more concisely name the claimed invention. The abstract is amended to more accurately summarize the claimed invention.

At page 2 of the Action, mailed April 6, 2005, the Examiner discusses a restriction requirement. Applicant affirms the election of claims 9-10 and 19-21. Claims 11-18 were withdrawn from consideration in the Action. As noted above, claims 11-18 have been cancelled without prejudice or disclaimer.

Claims 9-10 and 19-21 stand rejected under 35 USC 112(2) as indefinite.

Regarding the term conduit, in addition to being explicitly recited in the summary of the invention and the claims as originally filed, the claimed conduit is depicted in figures 1h-1j, 6b-

6c, 12h-12j and 13. The term conduit is claimed in context as follows: "the another dielectric including a conduit substantially aligned with the substantially vertically aligned carbon nanostructure...." Both the another dielectric and the conduit can clearly be seen in all of figures 1h-1j, 6b-6c, 12h-12j and 13. Referring to paragraph [0086], a "SEM micrograph of a finished device with a 500-nm thick layer 1310 of SiO₂ deposited between the focus 1320 and gate 1330 electrodes is shown in Fig. 13 taken at a 35 ° angle from normal incidence." The layer 1310 is an example of the claimed another dielectric. In this depicted embodiment, the conduit is defined by the clearly visible circular sidewall of the layer 1310.

Regarding the term apparatus, the claims as amended no longer recite the term apparatus.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9-10 and 19-21 were rejected under 35 USC 103 as obvious over Choi et al. (US 6,472,802) in view of Spindt (US 5,235,244).

As noted in the Action, Choi does not disclose or suggest another dielectric that includes a conduit that is substantially aligned with a substantially vertically aligned carbon nanostructure. Spindt does not disclose or suggest a substantially vertically aligned carbon nanostructure. While Spindt teaches eliminating cross-talk between pixels via the use of deflecting electrode 30, it is important to understand that when read as a whole, the gist of Spindt is to NOT include deflecting electrodes since according to Spindt the "purpose of dielectric layer 32' is, to itself serve as an electron deflector without the need for external power..." (e.g., see Spindt, column 3, lines 30-40). Therefore, when read as a whole, the Spindt reference teaches away from the claimed focusing electrode.

With regard to dependent claims 24 and 28, Choi does not disclose or suggest that a dielectric surrounds a single substantially vertically aligned carbon nanostructure. Similarly,

Spindt does not disclose or suggest that a dielectric surrounds a single substantially vertically aligned carbon nanostructure. The claimed single substantially vertically aligned carbon nanostructure within the well provide a tremendous advantage tantamount to a point source. Therefore, claims 24 and 28 are considered to be separately patentable.

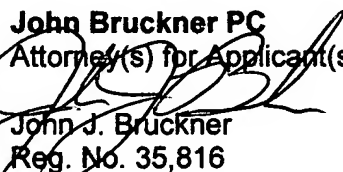
Accordingly, withdrawal of this rejection is respectfully requested.

Other than as explicitly set forth above, this reply does not include acquiescence to statements in the Office Action. In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. The Examiner is invited to telephone the undersigned (at direct line 512-394-0118) for prompt action in the event any issues remain that prevent the allowance of any pending claims.

In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from July 6, 2005 to August 6, 2005 in which to respond to the Office Action dated April 6, 2005. A notification of extension of time is filed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,

John Bruckner PC
Attorney(s) for Applicant(s)

John J. Bruckner
Reg. No. 35,816

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5708 Back Bay Lane
Austin, TX 78739-1723
Tel. (512) 394-0118
Fax. (512) 394-0119

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